

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT**

CLASS V LANDFILL

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

Contract Environmental Services, Inc.

is hereby authorized to construct and operate the Contract Environmental Services Asbestos landfill located in NE 1/4 of Section 18, Township 39 South, Range 26 East, Salt Lake Base and Meridian, San Juan County, Utah as shown in the permit application that was determined complete on December 30, 2004.

The operation of the landfill is subject to the condition that Contract Environmental Services, Inc.(Permittee) meet the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

This permit shall become effective March 1, 2005.

This permit shall expire at midnight February 28, 2010.

Signed this _____ day of February, 2005.

Original Document signed by Dennis R. Downs on 2/16/05

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

PERMIT REQUIREMENTS

LANDFILL NAME: Contract Environmental Services Asbestos Class V Landfill

OWNER NAME: Contract Environmental Services, Inc.

OWNER ADDRESS: 410 North Auburn Avenue
Farmington New Mexico 87401

OWNER PHONE NO.: 505-325-1198

OPERATOR NAME: Same as Owner

TYPE OF PERMIT: Class V Landfill

PERMIT NUMBER: 0405

LOCATION: Landfill site is located in Township 39 South, Range 26 East,
Section 18, SLMB; San Juan County, Lat. 37° 23' 47.22", Long.
109° 05' 44.76"

Permit as used in this document is defined in Utah Administrative Code (UAC) R315-301-2(55).

The application as deemed complete on December 30, 2004 is hereby approved and is incorporated by reference into this Solid Waste Permit. all representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the application, the wording of the permit supersedes that of the application.

The facility as described in this permit and the permit application consists of gate house and disposal cells.

By this permit to own and operate, the Permittee is subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The permit is for a Class V landfill, and meets the siting requirements for this class, but limits the acceptable waste to a restricted waste stream as found in section IB of this permit. Due to the restricted waste stream, the Permittee shall design, operate, and close the landfill in accordance with all applicable

requirements of UAC R315-305, for a Class VI landfill, that are in effect as of the date of this permit and the more restrictive standards contained in this permit. Any permit noncompliance or other noncompliance constitutes a violation of UAC R315-305 or this permit and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit application.

B. Acceptable Waste

This permit is for the disposal of non-hazardous solid waste and is further limited to asbestos contaminated waste only.

C. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2 or no waste other than asbestos containing waste as allowed in section IB of this permit.

D. Inspections and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Southeastern Utah District Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment facilities or processes, pollution management facilities or processes, or control facilities or processes required under the Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

E. Noncompliance

If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules. In the event of any noncompliance with any permit condition or violation of an

applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittee shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

In an enforcement action, the Permittee may not claim as a defense that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with UAC R315-301 through 320 and this permit.

Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittee from obtaining any other local, State or Federal permits or approvals.

The issuance of this Permit does not convey any property rights, other than the rights inherent in this permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.

The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

F. Revocation

This permit is subject to revocation if any condition of The Permit is not being met. The Permittee will be notified in writing prior to any proposed revocation

action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.

Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility on the part of the Permittee for completion of closure and post-closure care for the facility required in UAC R315-302-3.

G. Attachment Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Design and Construction

The Permittee shall construct the landfill cells, run-on and run-off diversion systems, and the final cover in accordance with the plans presented in the permit application and the Utah Solid Waste Permitting and Management Rules (UAC R315-301 thru 320). If ground water is encountered during excavation of the landfill, the Executive Secretary shall be notified immediately, and a contingency plan implemented or alternative construction design developed and submitted for approval.

The Permittee shall notify the Executive Secretary upon completion of construction of any landfill cells, or run-on and run-off diversion systems. No landfill cell or run-on and run-off diversion system may be used until documentation of construction is submitted and construction is approved by the Executive Secretary.

The Permittee shall notify the Executive Secretary of the completion of construction of any final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Executive Secretary.

All engineering drawings submitted to the Executive Secretary must be stamped and approved by a professional engineer with a current registration in Utah.

B. Run-On Control

Drainage channels and diversions shall be constructed as specified in the permit application and maintained at all times to effectively prevent runoff from the surrounding area from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the permit application and the solid waste permit issued by the Executive Secretary shall be kept onsite at the landfill. The landfill shall be operated in accordance with the operations plan as included in the permit application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. any modification to the Operations Plan shall be noted in the operating record.

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is not open. At least one person, employed by the Contract Environmental Services, Inc., shall be at the landfill during all hours that the landfill is open. Fencing and any other access controls as shown in the permit application shall be constructed to prevent access of persons or livestock by other routes.

C. Training

Permittee shall provide training for on-site personnel in landfill operation, including waste load inspection, hazardous waste identification, and personal safety and protection.

D. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-4(2)(b).

E. Daily Cover

The solid waste received at the landfill shall be completely covered at the end of each working day with a minimum of six inches of earthen material.

F. Waste Inspections

The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill.

All loads that the operator suspects may contain a waste not allowed for disposal at the landfill will be inspected.

G. Self Inspections

The Permittee shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health.

These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, compaction, and cover; fences and access controls; roads; run-on/run-off controls; litter controls; and records. A record of the inspections shall be placed in the daily operating record on the day of the inspection. areas needing correction, as noted on the inspection report, shall be corrected. The corrective actions shall be documented in the daily operating record.

H. Recordkeeping

The Permittee shall maintain and keep on file at Contract Environmental Services, Inc. offices in Farmington New Mexico, a daily operating record and other general records of landfill operation as required by UAC R315-302-2(3)

The daily operating record shall include the following items:

1. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;
2. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
3. Results of other monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;
4. Records of all inspections conducted by the Permittee, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event.

The general record of landfill operations shall include the following items:

1. A copy of The Permit including the permit application;
2. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Southeastern Utah District Health Department, when forwarded to the Permittee;
3. Closure and Post-closure care plans; and
4. Records of employee training.

I. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism, and all training programs completed.

J. Roads

All access roads, within the landfill boundary, used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

IV. CLOSURE REQUIREMENTS

A. Closure

Final cover of the landfill shall be as shown in the permit application. A quality assurance plan for construction of the final landfill cover shall be submitted to, and approval of the plan must be received from the Executive Secretary prior to construction of any part of the final cover at the landfill.

B. Title Recording

The Permittee shall also meet the requirements of UAC R315-302-2(6) by recording with the San Juan County Recorder as part of the record of title that the property has been used as a landfill.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

A financial assurance mechanism covering closure and post-closure care costs shall be proposed by the Permittee and approved by the Executive Secretary. The approved mechanism shall be established by the Permittee prior to receipt of waste. An annual revision of closure costs and financial assurance funding shall be submitted to the Executive Secretary as part of the annual report. The financial assurance fund shall be adequately funded to provide for the cost of closure at any stage or phase or anytime during the life of the landfill, and must be fully funded within five years of the date waste is first received at the landfill. If a trust fund is chosen as the financial assurance method the first payment to the fund will be 20% of the estimated closure and post-closure care costs. If a trust fund is used, annual payments shall be determined by the following formula:

$$NP=[CE-CV]/Y$$

where NP is the next payment, CE is the current cost estimate for closure and post-closure care (updated for inflation or other changes), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

The Permittee shall notify the Executive Secretary of the establishment of the approved financial assurance mechanism and must receive acknowledgment from the Executive Secretary that the established mechanism complies with the approved method.

E. Financial Assurance Annual Update

An annual revision of closure costs and financial assurance funding as, required by R315-309-2(2), shall be submitted to the Executive Secretary as part of the annual report.

V. ADMINISTRATIVE REQUIREMENTS

A. Permit Modification

Modifications to this permit may be made upon application by the Permittee or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

B. Permit Transfer

This permit may be transferred to a new permittee or new permittees by meeting the requirements of the permit transfer provisions of UAC R315-310-10.

C. Expansion

This permit is for a Class V Landfill accepting asbestos waste only and operating according to the design and Operation Plan described and explained in the permit application. Any expansion of the current footprint designated in the description contained in the permit application, but within the property boundaries designated in the permit application, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to construction.

Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit application will require submittal of a new permit application in accordance with the requirements of UAC R315-310 and UCA 19-6-108(1)(d) including all approvals required in UCA 19-6-108.

Any expansion of the waste accepted at the landfill facility beyond the approved asbestos waste will require submittal of a new permit application and is subject to the requirement of UAC R315-301 through 320 for a new landfill application and the requirements of UCA 19-6-108 for a new landfill application.

D. Expiration

This permit shall expire five years from the effective date which is the date shown on the signature (first) page of this permit. Application for permit renewal shall be made at least 180 days prior to the expiration of this permit. If a timely application is made and the permit renewal is not complete by the expiration date, this permit will continue in force until renewal is completed or denied.

E. Status Notification

Eighteen months from the date of this permit the Executive Secretary shall be notified in writing of the status of the construction of this facility unless construction is complete and operation has commenced. If construction has not begun within 18 months the Permittee will submit adequate justification to the Executive Secretary as to the reasons that construction has not commenced. If no submission is made or the submission is judged inadequate by the Executive Secretary, this permit will be revoked

F. Construction Approval and Request to Operate

The Permittee shall meet each of the following conditions prior to receipt of waste:

1. The Permittee shall notify the Executive Secretary, prior to acceptance of waste, that all the requirements of this permit have been met and all required facilities, structures and accounts are in place as required.
2. The Permittee shall submit to the Executive Secretary, for approval, documentation that all local zoning requirements and local government approvals have been obtained for operation of this landfill.
3. The Permittee shall submit to the Executive Secretary, prior to the construction of any portion of the landfill; including offices, fences, and gates; documentation that the Permittee own/s or has/has a lease that allows this property to be used as a landfill.
4. The Permittee shall obtain from the Executive Secretary written approval, prior to receipt of waste, that all information required by this section has been submitted and the information meets the requirements of this permit and R315-301 through 320.
5. The Permittee shall notify the Executive Secretary when the requirements for approval of the Governor and Legislative in UCA 19-6-108(3)(c) have been met. No construction may be commenced on the facility until the Executive secretary has received notice of Governor and Legislative approval and acknowledged receipt to the Permittee.